

RDMD/Planning and Development Services

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DATE: April 13, 2006

TO: Orange County Zoning Administrator

FROM: Resources and Development Management Department/Land Use Services Division

SUBJECT: Public Hearing on Planning Application PA05-0070 for a rear set back Variance and off-street parking modification.

PROPOSAL: Request for approval of:
Variance for a rear yard structural setback of 11 feet to the rear property line, where 25 feet is required, to convert an existing garage and breezeway into habitable living space; and
Use Permit for an off-street parking modification to 23 feet for maneuvering area, where 30 feet is required.

LOCATION: 18042 Lassen Drive, unincorporated North Tustin area, within the Third Supervisorial District

APPLICANT: Jeffery Brannon, property owner
Thomas Drummond, architect

STAFF Yosh Kawasaki, Staff Planner
CONTACT: Phone: (714) 834-4389 FAX: (714) 667-8344

SYNOPSIS: PDS/Current and Advance Planning Service recommends Zoning Administrator approval of Permit Application No. PA05-0070, for a Variance and Use Permit subject to findings and conditions attached.

BACKGROUND:

The project is located at 18042 Lassen Drive (Lot 42 of Tract 1605) in the unincorporated North Tustin area. The site was originally developed in the 1960's. Presently the site is developed with a 1,792 square foot, single family home with an attached 2-car garage on a corner lot that is approximately 10,000 square feet.

The property is zoned 100 - E4 "Small Estates" District which has a front setback requirement of 30 feet, side setback requirement of 10% (maximum 20 feet) of the ultimate net width of the building site, and a rear setback requirement of 25 feet. In addition, under zoning the property is required to provide a minimum 100 foot building site width. The neighborhood is single family residential with large lots and predominantly single story homes with a scattering of 2-story homes.

Variance V1749 permitted the original detached garage to encroach in the rear setback when the garage was attached to the house when the breeze way was enclosed.

SURROUNDING LAND USE:

The subject site and all surrounding properties are zoned 100-E4 “Small Estates” District (see photo below).



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to other County Divisions, the North Tustin Advisory Committee and the Foothills Community Association.

As of the writing of this staff report, no written comments from other County Divisions raising issues with the project have been received by staff. The proposal was approved by the North Tustin Advisory Committee at their December 19, 2005 meeting. Staff received no comments from the Foothills Community Association.

CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from its requirements (Class 5, minor alterations in land use such as a setback variance).

DISCUSSION/ANALYSIS:

The homeowners are seeking approval of a Variance for rear yard setback to facilitate the construction of a new addition by converting an existing enclosed breeze way that connects the house to an existing detached garage and converting the space into habitable living space. In addition, a Use Permit for an off-street modification is also requested to allow for the use of an existing non conforming RV storage/garage as the replacement garage.

As stated previously, the subject property is a corner which limits the ability to enlarge the home without some type of side yard variance. The site is zoned 100 - E4 "Small Estates" which has a front setback requirement of 30 feet, side setback requirement of 10% of the ultimate net width of the building site, and a rear setback requirement of 25 feet. However pursuant to Section 7-9-137.1(c) of the Zoning Code, detached garages may be placed or constructed within the required rear setback area.

Variance V1749 permitted the original detached garage to encroach in the rear setback when the garage was attached to the house when the breeze way was enclosed. The garage and breeze way is not being proposed for expansion in size. The existing house and garage conforms with all other current applicable Codes.

In terms of the appropriate considerations for this portion of the request, the Zoning Code allows for Variances in which granting of the proposed Variance is superior to the alternative of forced compliance to the regulatory standards. One circumstance mentioned as a possible justification is the "architectural" nature of the structures which have been established. In this case, the house, detached garage and subsequent approved breezeway enclosure was constructed within the legal limits of the rear setbacks. Therefore, approval of the variance would not be a grant of special privilege not already enjoyed by home owner. The applicant is not requesting anymore than what is currently existing.

The Use Permit portion of this request is for an off-street parking modification for a maneuvering (backup) area of 23 feet where 30 feet is required (Section 7-9-145.3) for the replacement garage. The proposed existing garage was originally built as a detached RV storage/garage building in the south-west rear corner of the lot. There is also an existing 10 foot wide driveway (minimum County standard) accessing the RV storage/garage along the westerly edge of the property. The size of the RV storage/garage is 24 feet deep by 23 feet wide and can more than adequately provide covered parking for two vehicles. A standard garage is typically a minimum of 20 feet by 20 feet. Due to the size of this structure there is 23 feet from the garage face to the nearest point to house, which does not allow for the necessary 30 feet maneuvering area as required by Zoning Code.

Working with the Traffic Section Staff and the Applicant's architect, it was determined that with a modification to the garage door opening, turns could begin within the first 4 feet within the garage, taking in consideration of a 20 foot depth for a standard garage, effectively giving a maneuvering area of 27 feet. The applicant revised the plans to show a 20 foot wide garage door opening and installation of a roll-up

garage door. It should be noted that the Zoning Code Section 7-9-145.3(c)(4) allows for a two (2) foot reduced maneuvering standard if the 2+ car garage is at least 16 feet wide. Staff feels that the modifications made to the RV storage/garage is a workable alternative.

RECOMMENDED ACTION:

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA050070 for a site development permit allowing a Variance to the rear yard structural setback standard, subject to findings and conditions of approval.

Respectfully submitted,

Signature on file

Charles Shoemaker, Chief
LPSP/Site Planning Section

EXHIBITS:

1. Applicant's Letter of Explanation
2. Project Plans (Site Plan, Floor Plan and Elevation)
3. Environmental documentation
4. Color Photographs (Zoning Administrator's copy only)
5. Variance V1749
6. NTAC meeting minutes, December 19, 2005

ATTACHMENTS:

- A. Findings of Approval
- B. Conditions of Approval

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 for a single family dwelling matter or \$760.00 for all other matters, to be filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Department.